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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 IN RE GOOGLE PLAY STORE
14 ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:

16 *In re Google Play Consumer Antitrust*
17 *Litigation*, Case No. 3:20-cv-05761-JD

18 *In re Google Play Developer Antitrust*
19 *Litigation*, Case No. 3:20-cv-05792-JD

20 *State of Utah et al. v. Google LLC et al.*, Case
21 No. 3:21-cv-05227-JD

Case No. 3:21-md-02981-JD

**[PROPOSED] ORDER RE: RENEWED
APPLICATION TO SEAL**

Judge James Donato

On August 20, 2021, Defendants Google LLC, Google Payment Corp., Google Ireland Limited, Google Commerce Ltd., and Google Asia Pacific Pte. Ltd. (collectively, “Google”) filed a Renewed Application to Seal (*In re Google Play Store Antitrust Litigation*, Case No. 3:21-md-02981-JD, ECF Nos. 62, 63, 65; *In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761-JD, ECF No. 185; *In re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD, ECF No. 128; *State of Utah et al. v. Google LLC et al.*, Case No. 3:21-cv-05227-JD, ECF No. 93) pursuant to Civil Local Rules 7-11 and 79.5.

Having considered Defendant Google’s Renewed Application to Seal, the Declaration of Christian Cramer submitted in support thereof (“Cramer Decl.”), and all other matters presented, and having determined that pursuant to Ninth Circuit precedent, compelling reasons exist for sealing this information (*see Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006), **IT IS HEREBY ORDERED THAT:**

Google’s Application is GRANTED and the identified portions of the documents listed below shall remain under seal as set forth in the following table:

Document	Information sought to be sealed	Reason for Sealing	Ruling
STATE ATTORNEY GENERALS’ COMPLAINT			
<i>CONFIDENTIAL NON-PUBLIC FINANCIAL INFORMATION</i>			
<i>Utah v. Google LLC</i> , Case No. 3:21-cv-05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 183, page 59, line 18 (between “made up” and “of overall” on line 19), and line 19 (beginning after “totaled some”) to the end of the paragraph.	Contains non-public financial revenue and revenue ratio information about individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (<i>see</i> Cramer Decl., ¶ 8).	

1 2 3 4 5 6 7 8 9	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 186, page 60, line 14 (between “collected” and “in overall”), line 14 (between “booked” and “in ‘Gross Profit’”), line 15 (between “and” and “in ‘Operating Income’”), and line 15 (between “over” and “that combines”).	Contains non-public information regarding revenue and profit margins for individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (<i>see</i> Cramer Decl., ¶ 9).	
10	CONFIDENTIAL DEAL TERMS AND OFFERS TO THIRD PARTIES			
11 12 13 14 15 16 17 18 19	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 111, page 39, line 1 (beginning after “stated that”) to the end of the sentence on line 2 (ending before “One key”), line 3 (beginning after “was”) to the end of the sentence on line 3 (ending before “In response”), and line 4 (beginning after “among other things, to” to the end of the sentence on line 5, excluding “(emphasis in original).”	Contains non-public information regarding confidential business strategies with respect to potential contractual counterparties and, in particular, specific proposed terms of a contract with a business counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 10).	
20 21 22 23 24 25 26 27 28	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 129, page 43, line 20 (after “approximately”) to the end of the sentence on line 21.	Contains non-public information regarding spend data for individual Google business lines and initiatives which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 11).	

1 2 3 4 5 6 7 8 9	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 132, page 44, line 22 (between “primarily” and “as a solution”).	Contains non-public information revealing the counterparties to confidential contractual arrangements with Google which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third parties. (<i>see</i> Cramer Decl., ¶ 12).	
10 11 12 13 14 15 16 17 18	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 136, page 46, line 16 (beginning after “would”) to line 17 (ending before “At”), line 24 (beginning after “using a”) to line 25 (ending before “(Google offered”), and line 25 (beginning after “Samsung would”) to the end of the paragraph on line 26.	Contains non-public information regarding a confidential business strategy and terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 13)	
19 20 21 22 23 24 25 26 27 28	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 136, page 46, line 12 (between “up to” and “in return”).	Contains non-public information regarding a confidential business strategy and terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 14).	

1 2 3 4 5 6 7 8 9	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 137, page 47, line 15 (between “proposed the” and “were too low”).	Contains non-public information regarding terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (see Cramer Decl., ¶ 15).	
10 11 12 13 14 15 16 17	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 139, page 48, line 7 (beginning after “According to Google, the”) to line 9 at the end of the sentence.	Contains non-public information regarding terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (see Cramer Decl., ¶ 16).	
18 19 20 21 22 23 24 25 26	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 140, page 48, line 10 (beginning at the start of the paragraph and ending before “was the offer”), line 11 (starting after “revenues for”) to line 12 at the end of the sentence (ending before “That proposal”).	Contains non-public information regarding a confidential business strategy and terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (see Cramer Decl., ¶ 17).	

1 2 3 4 5 6 7 8 9	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 141, page 48, line 15 (beginning at the start of the paragraph and ending at “also included”), line 15 (beginning after “to provide a” and ending at “to Samsung”), line 16 (beginning after “use to”) to line 17 (ending at “would include”), line 17 (beginning after “the following”) to the end of the sentence on line 19 (ending before “Any app”).	Contains non-public information regarding a confidential business strategy and terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 18).	
10 11 12 13 14 15 16 17 18	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 148, page 51, figure 5 (names of contractual counterparties).	Contains non-public information revealing the counterparties to confidential contractual arrangements with Google which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third parties. (<i>see</i> Cramer Decl., ¶ 19).	
19 20 21 22 23 24 25 26	<i>Utah v. Google LLC</i> , Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 149, page 51, line 20 (between “developer” and “from following”).	Contains non-public information regarding an agreement between Google and a third party which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (<i>see</i> Cramer Decl., ¶ 20).	

***CONFIDENTIAL INTERNAL ANALYSES THAT COULD CAUSE
GOOGLE ECONOMIC HARM***

Utah v. Google LLC,
Case No. 3:21-cv-
05227-JD, ECF 1
(Ex. A to Cramer
Decl.)

Paragraph 192, page 61, line
14 (between “suggested that
a” and “commission”).

Contains non-public
information regarding
confidential business
strategies with respect
to pricing decisions
which, if revealed to
competitors or
counterparties, could
cause competitive
harm to Google. (*see*
Cramer Decl., ¶ 21).

**DEVELOPERS’ FIRST AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT**

CONFIDENTIAL NON-PUBLIC FINANCIAL INFORMATION

*In re Google Play
Developer Antitrust
Litigation*, Case No.
3:20-cv-05792-JD,
ECF 129 (Ex. B to
Cramer Decl.)

Paragraph 86, page 29, line 4
(between “Samsung made”
and “in revenue”), line 5
(between “Google had
made” and “in sales”), and
line 6 (between “Store had
a” and “share of”)

Contains non-public
information regarding
Play revenue data as
well as Google’s
estimate of a
competitor’s revenue
which, if revealed to
competitors or
counterparties, could
cause competitive
harm to both Google
and the third party, and
which could also cause
confusion for investors.
(*see* Cramer Decl., ¶
23).

1 2 3 4 5 6 7 8	<i>In re Google Play Developer Antitrust Litigation</i> , Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 170, page 60, line 15 (from beginning of line to before “and today”) and line 16 (between “at just” and “On another occasion”).	Contains non-public information regarding Play costs which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 24).	
9 10 11 12 13 14 15 16	<i>In re Google Play Developer Antitrust Litigation</i> , Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 176, page 61, line 23 (between “scale at” and “people in”), line 24 (between “larger at” and “Revenue per head”), and line 25 (between “gone from” and “-- but the way”).	Contains non-public information regarding revenues and headcount for individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 25).	
17 18 19 20 21 22 23 24	<i>In re Google Play Developer Antitrust Litigation</i> , Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 180, page 62, footnote 122, line 26 beginning after “figures are” and ending before “as noted,” and line 26.5 after “processing costs at” to the end of the sentence.	Contains non-public information regarding costs which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 26).	

<p><i>In re Google Play Developer Antitrust Litigation</i>, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)</p>	<p>Paragraph 197, page 67, line 24 (beginning after “noted above”) to the end of the sentence on line 26 (ending before “These companies”).</p>	<p>Contains non-public information regarding costs which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 27).</p>	
<p>CONFIDENTIAL DEAL TERMS AND OFFERS TO THIRD PARTIES</p>			
<p><i>In re Google Play Developer Antitrust Litigation</i>, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)</p>	<p>Page 26, footnote 63, line 23 (between “between” and “and”), line 23.5 (after “Google”) to line 24 (before “Google”), line 24 (after “will pay”) to line 24.5 (before “to”), line 25.5 (between “from the” and “that”).</p>	<p>Contains non-public information regarding a confidential agreement with a counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (see Cramer Decl., ¶ 28).</p>	
<p><i>In re Google Play Developer Antitrust Litigation</i>, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)</p>	<p>Paragraph 77, page 26, line 11 (beginning after “approximately” and ending before “The numbers”).</p>	<p>Contains non-public information regarding confidential business strategies and the terms of confidential agreements with counterparties which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third parties. (see Cramer Decl., ¶ 29).</p>	

<p><i>In re Google Play Developer Antitrust Litigation</i>, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)</p>	<p>Paragraph 93, page 31, line 16 (between “Samsung” and “including”).</p>	<p>Contains non-public information regarding a confidential agreement with a counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (<i>see</i> Cramer Decl., ¶ 30).</p>	
<p align="center">CONFIDENTIAL INTERNAL ANALYSES THAT COULD CAUSE GOOGLE ECONOMIC HARM</p>			
<p><i>In re Google Play Developer Antitrust Litigation</i>, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)</p>	<p>Paragraph 174, page 61, line 14 (between “set at” and “But for”).</p>	<p>Contains non-public information regarding pricing which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 31).</p>	
<p align="center">CONSUMERS’ FIRST AMENDED CONSOLIDATED CLASS ACTION COMPLAINT</p>			
<p align="center">CONFIDENTIAL NON-PUBLIC FINANCIAL INFORMATION</p>			
<p><i>In re Google Play Consumer Antitrust Litigation</i>, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)</p>	<p>Paragraph 82, page 19, line 4 (between “revenues of” and “accounting”) and line 4 (between “for over” and “percent”).</p>	<p>Contains non-public information regarding revenue for an individual Google business line which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (<i>see</i> Cramer Decl., ¶ 33).</p>	

1 2 3 4 5 6 7 8 9	<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 88, page 20, line 25 (between “made around” and “in revenue”) and line 26 (between “made around” and “in sales”).	Contains non-public information regarding Play revenue data as well as Google’s estimate of a competitor’s revenue which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (<i>see</i> Cramer Decl., ¶ 34).	
10 11 12 13 14 15 16 17	<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 138, page 31, line 19 (between “more than” and “per year”).	Contains non-public information regarding costs for individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (<i>see</i> Cramer Decl., ¶ 35).	
18 19 20 21 22 23 24 25 26	<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 193, page 44, line 7 (between “than the” and “revenue share”).	Contains non-public information regarding costs and profit margins for an individual Google business line which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (<i>see</i> Cramer Decl., ¶ 36).	

CONFIDENTIAL DEAL TERMS AND OFFERS TO THIRD PARTIES

In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)

Paragraph 87, page 20, line 20 (between “among other things” and “as well”), and line 20 (beginning after “as well as”) to the end of the paragraph on line 22.

Contains non-public information regarding confidential business strategies with respect to potential contractual counterparties and, in particular, specific proposed terms of a contract with a business counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and third parties. (*see* Cramer Decl., ¶ 37).

In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)

Paragraph 109, page 25, line 13 (beginning after “services”) to the end of line 16.

Contains non-public information regarding the terms of confidential agreements with counterparties which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third parties. (*see* Cramer Decl., ¶ 38).

1 2 3 4 5 6 7 8	<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 129, page 29, line 23 (between “Agreement with” and the end of the paragraph).	Contains non-public information regarding the terms of a confidential agreement with a counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (<i>see</i> Cramer Decl., ¶ 39).	
9 10 11 12 13 14	<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 134, page 30, line 22 (between “up to” and “of “Play”) and line 22 (between “up to” and “by 2023”).	Contains confidential negotiations with counterparties which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third parties. (<i>see</i> Cramer Decl., ¶ 40).	
15 16 17 18 19 20 21 22	<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 187, page 42, line 24 (beginning at “In particular”) to the end of the sentence.	Contains non-public information regarding terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (<i>see</i> Cramer Decl., ¶ 41).	

**CONFIDENTIAL INTERNAL ANALYSES THAT COULD CAUSE
GOOGLE ECONOMIC HARM**

<i>In re Google Play Consumer Antitrust Litigation</i> , Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 85, page 20, line 5 (between “represented a potential” and “annual revenue”) and line 6 (between “[l]oss [of]” and “of revenue”).	Contains non-public financial projections which, if revealed to competitors or counterparties, could cause competitive harm to Google. (<i>see</i> Cramer Decl., ¶ 42).	
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IT IS SO ORDERED.

Dated: _____, 2021

Honorable James Donato
United States District Judge
Northern District of California